IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4462 of 2007(M)

CMP.2439/2007 of DISTRICT COURT, PALAKKAD

CRIME NO.223/07 OF THRITHALA POLICE STATION

.....

APPLICANT/ACCUSED

MOIDUNNI ALIAS ASHARAF, AGED 32 YEARS,
S/O KADAR, THADATHILAKATH VEEDU,
NJANGATTIRI, OTTAPALAM TALUK,
PALAKKD DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU

RESPONDENTS: COMPLAINANT- STATE

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4462 of 2007

Dated this the 24th day of July 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Sections 498A and 315 I.P.C. The de facto complainant had filed a private complaint which has been referred to the police by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner was arrested on 01/07/2007. He continues in custody from that date. The crux of the allegations is that the petitioner was guilty of matrimonial cruelty against his wife. The complaint was filed in 2007. There is an allegation that in 2004, at a time when the de facto complainant was pregnant, she was subjected to physical cruelty which resulted in a still born child being born.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the circumstances to which reference has already been made briefly that this is a fit case where the petitioner can now be enlarged on bail subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months. Thereafter he shall appear before the investigating officer as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007